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AT HARRISONBURG, VA
FILED

7/21/2020

JULIA C. DUDLEY, CLERK
BY: s/ J. Vasquez

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**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division**

RONALD LEE BROWN, JR.

Plaintiff,

v.

Case No.: 5:20-CV-00010

MILLER SEABROOKS

and

S&M MOVING AND STORAGE
d/b/a SM MOVING & STORAGE and S&M MOVING

Defendants.

AMENDED COMPLAINT

Plaintiff, Ronald Lee Brown, Jr. (Brown), brings this civil action seeking money judgment against Defendant for negligence on the grounds and in the amounts as recited below. In support of this Complaint Brown states as follows:

PARTIES

1. Plaintiff Brown has at all times relevant hereto been a resident of Newport News City, in the Commonwealth of Virginia.

2. Defendant Miller Seabrooks (Seabrooks) upon information and belief has at all times relevant hereto been a resident of 6 Bayley Avenue 2, Yonkers, NY 10705.

3. Defendant S&M MOVING AND STORAGE d/b/a SM MOVING & STORAGE and S&M MOVING (S&M) operated at all times relevant hereto as an unincorporated entity with a principal place of business of 1330 Croes Avenue, Bronx, NY 10472.

JURY DEMAND

4. Plaintiff demands a jury trial of all issues raised in the Complaint.

JURISDICTION AND VENUE

5. This Court has diversity jurisdiction under 28 U.S.C. §1332 because the parties are diverse and the amount in controversy, exclusive of interest and costs exceed \$75,000.00.

6. This Court has personal jurisdiction over Defendant pursuant to Va. Code §8.01-328.1(A)(1) and (3) because Defendant transacted business in Virginia and caused tortious injury by an act or omission in this Commonwealth.

7. Venue is proper in this Court under 28 USC §1391(b)(2) because a substantial part of the events or omissions giving rise to the claim occurred in Rockingham County, which is within the Western District of Virginia and Defendant is subject to this Court's personal jurisdiction.

FACTUAL ALLEGATIONS

8. On or about July 26, 2018, Plaintiff Brown was the driver of a vehicle travelling north in the left-hand lane of Interstate 81 in Rockingham County, Virginia.

9. At the same time and place, Defendant Seabrooks was operating a motor vehicle also travelling north in the right-hand lane of Interstate 81 alongside Plaintiff Brown's vehicle.

10. At all times relevant to the allegations in this Complaint, Defendant Seabrooks was an agent and/or employee of Defendant S&M. As such, Defendant Seabrooks drove and/or operated the vehicle leased by Defendant S&M with its authority and consent and in the course and scope of his agency and/or employment relationship with Defendant S&M. As a consequence, Defendant S&M is vicariously liable for each and every negligent act or omission of Defendant Seabrooks as described herein.

11. It was the duty of Defendant Seabrooks to operate his motor vehicle with reasonable care and with due regard for the rights and safety of others using the road, including Plaintiff Brown.

12. Notwithstanding these duties, Defendant Seabrooks negligently, suddenly, and without warning entered and encroached upon the travel path of the left-hand lane, forcing Brown's vehicle off the road. When Brown's vehicle attempted to recover its path, it jack-knifed, collided with Defendant Seabrooks' vehicle, rolled onto its driver's side and off Interstate 81 and into the median before coming to a rest. The crash was proximately caused by Defendant Seabrook's negligent violation of his duties as set forth above.

13. Defendant Seabrooks was additionally negligent in that he:

- a. Failed to keep his vehicle under proper control;
- b. Failed to use ordinary care in the operation of his vehicle;
- c. Improperly changed lanes into a lane of travel lawfully occupied by Plaintiff Brown's vehicle,
- d. Made an unsafe lane change; and
- e. Failed to properly maintain his lane of travel.

14. As a direct and proximate result of Seabrooks' and S&M's negligence as described herein, Plaintiff Brown sustained serious and permanent injuries and disfigurement and suffered a loss of wages and a loss of wage earning capacity because of these injuries, and has suffered and will continue to suffer great pain of body and mind, and has incurred and will incur in the future, hospital, doctor's, and related bills in an effort to be cured of those injuries.

15. At the time of the crash described herein, Plaintiff Brown was operating a vehicle insured under a policy of insurance with National Union Fire Insurance Company of Pittsburgh, PA that provided underinsured motorist coverage to Plaintiff Brown.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, in the amount of ONE MILLION FIVE-HUNDRED THOUSAND Dollars (\$1,500,000.00) with interest from July 26, 2018, and all costs permitted by law, and that the court grant such other and further relief as may be deemed necessary and/or appropriate.

RONALD LEE BROWN, JR.
By Counsel

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Dated: July 20, 2020

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was e-filed and sent via facsimile and email this 20th day of July, 2020 to:

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